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SENATE BILL 991 By
Henry

HOUSE BILL 982
By Odom

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 5, relative to walls having historical significance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, is amended by adding the following as a new part:

(a) The department of transportation shall undertake the design and construction of highway projects to minimize the destruction or alteration of historic rock or stonewall fences.

(b) When historic rock wall fence relocations or removals are necessitated by construction of a state highway system, extensions thereof, or improvements thereto are a public governmental function, properly a part of such construction, then, to the extent in this part provided, such relocations shall be made at state expense.

(c) As used in this part, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of transportation;

(2) "Cost of relocation" means and includes the entire amount paid properly attributable to such relocation;

(3) "Historic Rock or Stonewall Fence" means an historic or stone wall or fence that was constructed without mortar more than fifty (50) years ago using stones or rocks that have been gathered from fields or creek bottoms or quarried stones or rocks. Such walls and fences were constructed typically by persons of Irish, Irish-American, African, and African-American descent and by persons working for the Works Project Administration and the Civilian Conservation Corps;

(4) "Public highway" means and includes any state highway forming a part of the interstate and defense highway system, including extensions thereof within urban areas, constructed in part with state aid, and includes any incorporated or related physical facilities for the handling of traffic and the right-of-way; and

(5) "Relocation" means and includes any horizontal or vertical movement of such historic stone fence and any protective measures taken or, where found by the commissioner to be necessary, the reconstruction or construction of additional fence (with or without removal and salvage of old fence) in this state.

(d) The commissioner shall provide for the relocation of such historic fence within a public highway upon a finding that the action provided for is necessitated for highway improvement or construction determined by the commissioner as a matter of policy relating to the design, construction, location and maintenance of public highways. The commissioner shall direct the reasonable manner and time of effecting any such relocation so as to promote the public interest in the highway improvement and the relocation of such fence.

(e) The commissioner is authorized to enter into an agreement with the property owner of such fence as defined herein with respect to any relocation, the time and manner of its accomplishment. The cost and relocation work incurred shall either be

conducted with the state paying the cost of relocation, or reimbursing the property owner for the cost of relocation as the commissioner elects. If undertaken by the commissioner, the commissioner may contract such relocation work.

(f) The provisions of this act shall not apply to the creation of avenues of ingress and egress in an historic rock or stone wall.

(g) The provisions of this act shall in no way prevent or obstruct a property owner from relocating or removing such fence as defined herein on an individual's private property.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.